

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF DELAWARE**

<b>In Re Google Inc. Cookie Placement</b>	)	
<b>Consumer Privacy Litigation</b>	)	<b>Civ. No. 12-MD-2358-SLR</b>
	)	
<b>This Document Relates To:</b>	)	
<b>All Actions</b>	)	

**Kreisman Plaintiffs' Rule 23(g) Motion**  
**for Appointment of Interim Co-Lead Class Counsel**

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*(Proposed Interim Co-Lead Class Counsel)*

*(Additional Supporting Plaintiffs' Counsel  
listed on the signature pages)*

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<sup>1</sup> Ben Barnow is registered for electronic filing and noticing in this MDL.

Plaintiffs Karin Kreisman, Keile Allen, Joseph F. Clark, Nicholas Todd Heinrich, Kevin Jacobsen, Michael Musgrove, Jason Oldenburg, and James Treis (“Kreisman Plaintiffs”), by and through their undersigned counsel, hereby move this Honorable Court, pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, for the appointment of Ben Barnow of Barnow and Associates, P.C., Lance A. Harke of Harke, Clasby & Bushman LLP, and Richard L. Coffman of Coffman Law Firm (collectively, “Rule 23(g) Applicants”) as Interim Co-Lead Class Counsel.

1. On June 12, 2012, the United States Judicial Panel on Multidistrict Litigation transferred eight (8) actions pending in eight different districts to the Court. Other actions identified as tag-along actions have also been transferred to the Court. Twenty-one (21) actions have been consolidated into this action for all pretrial purposes. *See* MDL D.I. 22 (Stipulation and Order Consolidating Cases for All Purposes).

2. Rule 23(g)(3) of the Federal Rules of Civil Procedure states that “[t]he court may designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action.” The 2003 Advisory Committee Notes on Rule 23(g) state that: “Subdivision (g) . . . responds to the reality that the selection and activity of class counsel are often critically important to successful handling of a class action. . . . This subdivision recognizes the importance of class counsel, states the obligation to represent the interest of the class, and provides a framework for selection of class counsel.”

3. “If there are multiple applicants, the court’s task is to select the applicant best able to represent the interests of the class.” *Manual for Complex Litig.* § 21.271 (4th ed.).

4. Rule 23(g) Applicants suggest that the Court consider the appointment of attorneys to leadership positions who are experienced in this particular type of litigation, who are well-equipped to handle such cases, who have demonstrated leadership capabilities in MDL

actions, and who propose a leadership structure compatible with proceeding in an orderly and efficient manner.

5. Rule 23(g) Applicants propose a structure whereby three (3) attorneys from their group—Ben Barnow of Barnow and Associates, P.C., Lance A. Harke of Harke, Clasby & Bushman LLP, and Richard L. Coffman of Coffman Law Firm—be appointed Interim Co-Lead Class Counsel.

6. Plaintiffs' counsel supporting this proposed leadership structure include Hassan A. Zavareei, Tycko & Zavareei LLP; Shpetim Ademi, Ademi & O'Reilly, LLP; Aron D. Robinson, Law Office of Aron D. Robinson; John S. Steward, Steward Law Firm, LLC; Stephen F. Meyerkord, Meyerkord & Meyerkord, LLC; and John R. Wylie, Donaldson & Guin, LLC ("Supporting Plaintiffs' Counsel").

7. While Rule 23(g) Applicants and Supporting Plaintiffs' Counsel believe that the approach they offer is far more efficient and appropriate than the structure proposed by the Grygiel Group (or "Moving Plaintiffs"), they respectfully acknowledge that the ultimate appointment rests with the Court.

8. Alternatively, and in recognition of the many fine attorneys who have applied for appointment in this matter, albeit with different degrees of experience and knowledge in this area of litigation, it is suggested that the Court could select one or two attorneys from each moving group to serve as Interim Co-Lead Class Counsel.

9. Defendant Google Inc. "takes no position with respect to the request to appoint a particular group of attorneys as Interim Counsel." D.I. 29.

Wherefore, the Kreisman Plaintiffs respectfully request that Ben Barnow of Barnow and Associates, P.C., Lance A. Harke of Harke, Clasby & Bushman LLP, and Richard L. Coffman of the Coffman Law Firm (collectively, "Rule 23(g) Applicants") be appointed Interim Co-Lead Class Counsel or, in the alternative, that the Court select one or two attorneys from each moving group to be appointed Interim Co-Lead Class Counsel.

Dated: September 7, 2012

Respectfully submitted,

By: /s/ Ben Barnow

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2012, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the District of Delaware by using the CM/ECF system. I certify that for all participants in the case that are registered CM/ECF users, service will be accomplished via the CM/ECF system, and for non-CM/ECF participants, service will be accomplished via U.S. Mail.

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